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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**IN RE: DA VINCI SURGICAL ROBOT
ANTITRUST LITIGATION**

Lead Case No. 3:21-CV-03825-VC

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

**DECLARATION OF CHRISTOPHER J.
BATEMAN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
INTUITIVE'S MOTION TO EXCLUDE
EINER ELHAUGE'S TESTIMONY**

The Hon. Vince Chhabria

Date: June 8, 2023

Time: 1 p.m.

I, Christopher J. Bateman, declare as follows:

1. I am a partner at Cohen, Milstein, Sellers, & Toll, Interim Co-Lead Counsel for the Plaintiffs in this matter. I make this declaration based on my personal knowledge in support of Plaintiffs' Opposition to Intuitive's Motion to Exclude Einer Elhauge's Testimony in the above captioned matter. If called upon to do so, I will testify competently to the facts set forth herein.

2. I certify that the following Table of Exhibits lists true and correct copies of all exhibits attached to this Declaration in support of Plaintiffs' Opposition to Intuitive's Motion to Exclude Einer Elhauge's Testimony.

TABLE OF EXHIBITS

Exhibit #	Description
1	True and correct copy of the Corrected Expert Report of Professor Einer Elhauge, January 10, 2023.
2	True and correct copy of the Rebuttal Expert Report of Professor Einer Elhauge, March 3, 2023.
3	True and correct copy of the Amended Expert Rebuttal Report of Loren K. Smith, February 10, 2023.
4	True and correct copy of <i>Proving Antitrust Damages: Legal and Economic Issues</i> , Section II.6.F.1.
5	True and correct copy of excerpts of the deposition of Katie Scoville, May 26, 2021.
6	True and correct copy of the document Bates stamped Intuitive-00102938 - Managing the Long Tail of da Vinci Si, September 2016.
7	True and correct copy of the document Bates stamped Intuitive-01127764 - Email re: Agenda for Monday staff, July 14, 2017.

8	True and correct copy of excerpts of the deposition of Nickola “Nicky” Goodson, October 27, 2022.
9	True and correct copy of the document Bates stamped Intuitive-00104183 – PowerPoint presentation re: Instrument Refurbishing (Project Dragon), July 12, 2017.
10	True and correct copy of the Rebuttal Expert Report of T. Kim Parnell, March 1, 2023.
11	True and correct copy of the Rebuttal Expert Report of Dr. Eugene Rubach, March 1, 2023.
12	True and correct copy of excerpts of the deposition of Anthony McGrogan, 30(b)(6), June 7, 2021.
13	True and correct copy of the document bates stamped Intuitive-00560955 - Email re: LND - EP cable reliability results, February 12, 2020.
14	True and correct copy of excerpts of the deposition of Professor Einer Elhauge, March 17, 2023.
15	True and correct copy of excerpts of the deposition of Stan Hamilton, November 4, 2022.
16	True and correct copy of excerpts of the deposition of Clifton Earl Parker, October 25, 2022.
17	True and correct copy of Declaration of Glenn Papit, submitted in <i>Rebotix Repair, LLC v. Intuitive Surgical, Inc.</i> , No. 8:20-cv-2274, on January 5, 2022.
18	True and correct copy of the document Bates stamped Intuitive-00423684 – PowerPoint presentation re: Instrument eX: I&A Refurbishment Feasibility Update, March 31, 2017.

19	True and correct copy of the document bates stamped Intuitive-00273261 - Instrument eX Update (Code Name: Dragon), May 23, 2017.
20	True and correct copy of excerpts of the deposition of Karen Waninger, October 6, 2022.

Dated: April 20, 2023

Respectfully submitted,

/s/ Christopher J. Bateman
